

Introduced by Senator O'Connell

December 2, 1996

An act to amend Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to class size reduction.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as introduced, O'Connell. Class size reduction.

(1) Existing law establishes the Class Size Reduction Program to provide funding to school districts to reduce class size in kindergarten and grades 1 to 3, inclusive, to not more than 20 pupils per certificated teacher. A school district establishing a class size reduction program with funds from the program is required to reduce class size at each schoolsite according to specified priorities, with up to 3 grade levels reduced at each schoolsite. If only one grade level is reduced at a schoolsite, the grade level must be grade 1. If only 2 grade levels are reduced at a schoolsite, the grade level must be grades 1 and 2. If 3 grade levels are reduced at a schoolsite, the grade levels must be kindergarten or grades 1 and 2 or grades 1 to 3, inclusive. Up to 4 grade levels may be reduced at a schoolsite if funds are appropriated expressly for that purpose.

This bill, commencing with the 1997-98 fiscal year, would expand the program to provide funding to school districts to also reduce class size in 4th grade and to reduce class size at a total of 5 grade levels. The bill would provide that if 4 grade levels at a schoolsite are reduced pursuant to the program, those grade levels must be kindergarten and grades 1 to 3, inclusive. The bill would further provide that, commencing with the 1997-98 fiscal year, if 5 grade levels are reduced at a

schoolsite pursuant to the program, those grade levels must be kindergarten and grades 1 to 4, inclusive.

(2) Existing law establishes 2 options under which a school district may apply for program funding. Under Option One, the Superintendent of Public Instruction is required to apportion to each applicant school district an amount equal to \$650 per each pupil enrolled in classes participating in the program, as specified, for class size reduction, provided the school district certifies that it has met certain requirements. Under Option Two, the superintendent is required to apportion an amount equal to \$325 per each pupil enrolled in each class that is reduced, as specified, for at least $\frac{1}{2}$ of the instructional minutes offered per day.

This bill would change the amount the superintendent is required to apportion under Option One and Option Two to \$750 and \$375, respectively.

The bill would also establish a third option under which school districts may apply for program funding. Under Option Three, the superintendent would be required to apportion an amount equal to \$375 per each pupil enrolled in classes participating in the program that have one full-time certificated teacher and one full-time instructional aide per each class of not more than 30 pupils.

The bill would also make conforming changes to related provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52122 of the Education Code is
2 amended to read:
3 52122. (a) Except as otherwise provided by Section
4 52123, *for the 1996-97 fiscal year*, any school district that
5 maintains any kindergarten or any of grades 1 to 3,
6 inclusive, *and for the 1997-98 fiscal year and each fiscal*
7 *year thereafter*, any school district that maintains a
8 kindergarten or any of grades 1 to 4, inclusive, may apply
9 to the Superintendent of Public Instruction for an
10 apportionment to implement a class size reduction

1 program in that school district in ~~any kindergarten or any~~
2 of *those* grades ~~1 to 3, inclusive~~, *as provided in this*
3 *chapter*.

4 (b) An application submitted pursuant to this chapter
5 shall identify both of the following:

6 (1) Each class that will participate in the Class Size
7 Reduction Program.

8 (2) For each class that will participate in the Class Size
9 Reduction Program, whether that class will operate
10 under Option One ~~or~~ Option Two, *or Option Three*:

11 (A) Option One: A school district shall provide a
12 reduced class size for all pupils in each classroom for the
13 full regular schoolday in each grade level for which
14 funding is claimed. For the purposes of this chapter, “full
15 regular schoolday” means a substantial majority of the
16 instructional minutes per day, but shall permit limited
17 periods of time during which pupils are brought together
18 for a particular phase of education in groups that are
19 larger than 20 pupils per certificated teacher. It is the
20 intent of the Legislature that those limited periods of time
21 be kept to a minimum and that instruction in reading and
22 mathematics not be delivered during those limited
23 periods of time. For the purposes of this subparagraph,
24 class size shall be determined in the same manner as
25 provided in Sections 41376 and 41378 and any *related*
26 rules or regulations ~~related thereto~~ adopted by the
27 Superintendent of Public Instruction prior to July 1, 1996.

28 (B) Option Two: A school district shall provide a
29 reduced class size for all pupils in each classroom for at
30 least one-half of the instructional minutes offered per day
31 in each grade level for which funding is claimed. School
32 districts selecting this option shall primarily devote those
33 instructional minutes to the subject areas of reading and
34 mathematics. For the purposes of this subparagraph, class
35 size for each class participating in the program shall be
36 determined in the same manner as provided in Sections
37 41376 and 41378 and any related rules or regulations
38 adopted by the Superintendent of Public Instruction
39 prior to July 1, 1996.

1 (C) *Option Three: A school district shall provide a*
2 *reduced class size for all pupils in each classroom in each*
3 *grade level for which funding is claimed by having a*
4 *pupil-to-instructor ratio of 15 to one that is achieved by*
5 *having in each classroom one full-time certificated*
6 *teacher providing direct instructional services and one*
7 *full-time instructional aide for a class size of not more than*
8 *30 pupils.*

9 (c) A school district that intends to implement a Class
10 Size Reduction Program for the 1996–97 school year shall
11 submit an application for funds pursuant to this chapter
12 to the Superintendent of Public Instruction not later than
13 November 1, 1996. ~~In order to~~ To receive the total amount
14 of funding for which the school district is eligible pursuant
15 to Section 52126, a school district shall implement the
16 Class Size Reduction Program by February 16, 1997,
17 within the meaning of paragraph (2) of subdivision (b).

18 (d) A school district that intends to implement or
19 continue to implement a Class Size Reduction Program
20 for the 1997–98 school year and any subsequent school
21 year shall submit an application for funding pursuant to
22 this chapter to the Superintendent of Public Instruction
23 not later than the June 30 prior to the commencement of
24 the new school year.

25 (e) Any school district that chooses to reduce class size
26 through the use of an early-late instructional program is
27 ineligible to also use Section 46205, relating to the
28 computation of instructional time for purposes of the
29 Incentive for Longer Instructional Day and Year, in any
30 grade level for which class size reduction funding is
31 received pursuant to this chapter; provided, however,
32 that any school district that operated under Section 46205
33 prior to July 1, 1996, may receive class size reduction
34 funding pursuant to Option One in any grade level for
35 which class size reduction funding would otherwise be
36 received pursuant to Option One.

37 SEC. 2. Section 52123 of the Education Code is
38 amended to read:

39 52123. A school district's application for funding to
40 implement a program pursuant to this chapter shall

1 include the district's certification of each of the following
2 items as a condition to receiving any apportionment
3 under Section 52126:

4 (a) Certification of the number of classes in each
5 eligible grade level selected for a class size reduction
6 apportionment pursuant to this chapter.

7 (b) Certification of pupil enrollment, as of October of
8 the previous calendar year, in each class selected for class
9 size reduction pursuant to subdivision (a). Classes
10 comprised of special education pupils enrolled in special
11 day classes on a full-time basis shall not be included in this
12 program. School districts may not claim funding pursuant
13 to this chapter for any pupil who is enrolled in
14 independent study pursuant to Article 5.5 (commencing
15 with Section 51745) of Chapter 5 of Part 28 for the full
16 regular schoolday nor may school districts claim funding
17 pursuant to this chapter for any pupil for any portion of
18 the full regular day that the pupil is enrolled in
19 independent study pursuant to that article. Charter
20 schools may not claim funding pursuant to this chapter for
21 any pupil who is enrolled in a program of home-study for
22 the full regular schoolday nor may charter schools claim
23 funding for any pupil for any portion of the full regular
24 schoolday that the pupil is enrolled in a program of
25 home-study.

26 (c) Certification that a certificated teacher has been
27 hired by the school district and is providing direct
28 instructional services to each class selected for class size
29 reduction pursuant to this chapter and that there are not
30 more than 20 pupils per each such class. For the purposes
31 of this subdivision, class size for each class participating in
32 the program shall be determined in the same manner as
33 provided in Sections 41376 and 41378, and any *related*
34 rules or regulations ~~related thereto~~ adopted by the
35 Superintendent of Public Instruction prior to July 1, 1996.

36 (d) Certification that the school district has
37 maintained class sizes of not more than 20 pupils per each
38 class that was reduced through previous apportionments
39 made under this chapter.

(e) Certification that the school district has a staff development program pursuant to Section 52127 and that the program has been approved by the governing board of the school district.

(f) Certification that the school district will collect and maintain any data required by the Superintendent of Public Instruction that will aid in the evaluation of the Class Size Reduction Program. The data shall include, but not be limited to, individual test scores or other records of pupil achievement. Any data collected shall be protected in a manner that will not permit the personal identification of any pupil or parent.

(g) Commencing with the 1997–98 school year and each school year thereafter, certification that each class reduced pursuant to this chapter is housed in either a separate, self-contained classroom or that the space of each such class for each grade level at that schoolsite provides a square footage per pupil enrolled in each such class that is not less than the average square footage per pupil enrolled in those grade levels at that schoolsite in the 1995–96 school year.

(h) Certification, for each school district choosing Option Three pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 51222, of both of the following:

(1) That each instructional aide employed for purposes of this chapter has either completed a program of postsecondary education resulting in an associates of arts degree or higher, or has passed a competency assessment that has been approved by the Commission on Teacher Credentialing pursuant to Section 44225.

(2) That the school district has developed a protocol for the use of instructional aides in reading and math instruction for kindergarten and grades 1 to 4, inclusive.

SEC. 3. Section 52124 of the Education Code is amended to read:

52124. (a) Any school district that implements a Class Size Reduction Program pursuant to this chapter is subject to this section.

(b) A school district may establish a program to reduce class size *for the 1996-97 fiscal year* in kindergarten and grades 1 to 3, inclusive, *and for the 1997-98 fiscal year and each fiscal year thereafter, to reduce class size in kindergarten and grades 1 to 4, inclusive,* and that program shall be implemented at each schoolsite ~~according to~~ *in accordance with* the following priorities:

(1) If only one grade level is reduced at a schoolsite, the grade level shall be grade 1.

(2) If only two grade levels are reduced at a schoolsite, the grade levels shall be grades 1 and 2.

(3) If three grade levels are reduced at a schoolsite, ~~then those~~ *the* grade levels shall be kindergarten and grades 1 and 2 or grades 1 to 3, inclusive. ~~Priority First~~ *priority* shall be given to ~~the reduction of~~ *reducing* class sizes in grades 1 and 2 before the class sizes of kindergarten or grade 3 are reduced.

(4) If four grade levels are reduced at a schoolsite, ~~then those~~ *the* grade levels shall be kindergarten and grades 1 to 3, inclusive. First priority shall be given to ~~the reduction of~~ *reducing* class sizes in grades 1 and 2, ~~2 and~~ second priority shall be given to ~~the reduction of~~ *reducing* class size in kindergarten and grade 3. This paragraph shall be operative ~~only in those the 1996-97 fiscal years for which~~ *year only if* funds are appropriated expressly for the purposes of this paragraph.

(5) *Commencing with the 1997-98 fiscal year and each fiscal year thereafter, if a total of five grades are reduced at a schoolsite, the grade levels shall be kindergarten and grades 1 to 4, inclusive. First priority shall be given to reducing class sizes in kindergarten and grades 1 to 3, inclusive, and second priority shall be given to reducing class size in grade 4.*

(c) It is the intent of the Legislature to continue to permit the use of combination classes of more than one grade level to the extent that school districts are otherwise permitted to use that instructional strategy. However, any school district that uses a combination class in any class for which funding is received pursuant to this chapter may not claim funding pursuant to this chapter

1 if the total number of pupils in the combination class,
2 regardless of grade level, for any class that exceeds 20
3 pupils per certificated teacher assigned to provide direct
4 instructional services.

5 (d) The governing board of a school district shall
6 certify to the Superintendent of Public Instruction that it
7 has met the requirements of this section in implementing
8 its class size reduction program. If a school district
9 receives funding pursuant to this chapter but has not
10 implemented its class size reduction program for all
11 grades and classes for which it received funding pursuant
12 to this chapter, the Superintendent of Public Instruction
13 shall notify the Controller and the school district in
14 writing and the Controller shall deduct an amount equal
15 to the amount received by the school district under this
16 chapter for each class that the school district failed to
17 reduce to a class size of 20 or less pupils from the school
18 ~~districts~~ *district's* next principal apportionment or
19 apportionments of state funds to the *school* district, other
20 than basic aid apportionments required by Section 6 of
21 Article IX of the California Constitution.

22 (e) The Superintendent of Public Instruction shall
23 develop a procedure to enforce subdivision (d) and shall
24 incorporate that procedure as an integral part of the
25 school district financial audit and other investigations
26 conducted by the State Department of Education. The
27 Controller shall include a provision appropriate to the
28 enforcement of subdivision (d) in the audit guide
29 required by subdivision (a) of Section 14502.

30 SEC. 4. Section 52126 of the Education Code is
31 amended to read:

32 52126. The amount of funding that each school district
33 implementing a Class Size Reduction Program pursuant
34 to this chapter is eligible to receive shall be computed as
35 follows:

36 (a) If a school district applies to participate in Option
37 One, pursuant to subparagraph (A) of paragraph (2) of
38 subdivision (b) of Section 52122, the Superintendent of
39 Public Instruction shall apportion to the applicant school
40 district an amount equal to ~~six~~ *seven* hundred fifty dollars



1 ~~(\$650)~~(\$750) for each pupil actually enrolled in the
 2 classes in which the school district implements the
 3 program, except that the maximum number of pupils for
 4 which a school district may claim funding for any class
 5 shall not exceed 20. The number of pupils claimed
 6 pursuant to this subdivision shall be pupils actually
 7 enrolled in classes participating in the Class Size
 8 Reduction Program and shall not be based on the average
 9 size of the classes for any grade levels for which funding
 10 is claimed.

11 (b) If a school district applies to participate in Option
 12 Two, pursuant to subparagraph (B) of paragraph (2) of
 13 subdivision (b) of Section 52122, the Superintendent of
 14 Public Instruction shall apportion to the applicant school
 15 district an amount equal to three hundred ~~twenty-five~~
 16 ~~seventy-five~~ dollars ~~—(\$325)~~ (\$375) ~~per~~ for each pupil
 17 actually enrolled in the classes in which the school district
 18 implements the program, except that the number of
 19 pupils in any class for which a school district may claim
 20 funding for the instructional minutes offered shall not
 21 exceed 20. The number of pupils claimed pursuant to this
 22 subdivision shall be pupils actually enrolled in classes
 23 participating in the Class Size Reduction Program and
 24 shall not be based on the average size of the classes for any
 25 grade levels for which funding is claimed.

26 (c) *If a school district applies to participate in Option*
 27 *Three, pursuant to subparagraph (C) of paragraph (2) of*
 28 *subdivision (b) of Section 52122, the Superintendent of*
 29 *Public Instruction shall apportion to the applicant school*
 30 *district an amount equal to three hundred seventy-five*
 31 *dollars (\$375) for each pupil actually enrolled in the*
 32 *classes in which the school district implements the*
 33 *program, except that the number of pupils in any class for*
 34 *which a school district may claim funding shall not exceed*
 35 *30. The number of pupils claimed pursuant to this*
 36 *subdivision shall be pupils actually enrolled in classes*
 37 *participating in the Class Size Reduction Program and*
 38 *shall not be based on the average size of classes for any*
 39 *grade levels for which funding is claimed.*

1 (d) The per pupil amount set forth in subdivisions (a)
2 and (b) shall be increased annually for inflation by the
3 percentage change determined pursuant to subdivision
4 (b) of Section 42238.1.

5 ~~(d)~~

6 (e) The Superintendent of Public Instruction shall
7 only apportion funds to a school district upon certification
8 that its class size reduction program has been
9 implemented for that fiscal year.

10 ~~(e)~~

11 (f) It is the intent of the Legislature that the total
12 statewide amount computed for the purposes of this
13 chapter pursuant to this section, commencing with the
14 1997-98 fiscal year, be appropriated to the
15 Superintendent of Public Instruction in the annual
16 Budget Act.

